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ZNY CCCCC ZZH
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FM AMEMBASSY ISLAMABAD
TO RUEHC/SECSTATE WASHDC PRIORITY 1536
INFO RUEHBUL/AMEMBASSY KABUL 9859
RUEHLO/AMEMBASSY LONDON 9711
RUEHNE/AMEMBASSY NEW DELHI 4484
RUEHKP/AMCONSUL KARACHI 1092
RUEHLH/AMCONSUL LAHORE 6790
RUEHPW/AMCONSUL PESHAWAR 5715
RHMFISS/FBI WASHINGTON DC
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL
RUEKJCS/SECDEF WASHINGTON DC
RUEAIIA/CIA WASHDC

C O N F I D E N T I A L ISLAMABAD 000366

SIPDIS

E.O. 12958: DECL: 01/19/2019

TAGS: [PREL](#) [PTER](#) [PGOV](#) [PK](#)

SUBJECT: MUMBAI-ATTACKS PROSECUTION UPDATE

REF: ISLAMABAD 313

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

¶1. (C) Summary: Since the filing of the First Information Report (FIR) on February 12, Pakistan has established an anti-terrorism court in Rawalpindi, appointed a special prosecutor, and is actively working on prosecutions. The GOP is still seeking several pieces of information and cooperation from India. End summary.

¶2. (C) On February 14, Foreign Secretary Salman Bashir briefed the entire diplomatic corps about the First Information Report (FIR) and the investigation dossier passed to the GOI. Bashir shared much of the same information that he briefed to Post on February 12 and passed out copies of the same dossier (reftel). Bashir made a plea to the diplomatic corps to not allow India to isolate Pakistan and urged for normalization of relations between the two neighboring nations.

¶3. (C) On February 16, a special anti-terrorism court set up at Adiala Prison (Rawalpindi), granted Pakistan's Federal Investigation Agency (FIA) Special Investigation Cell (SIC) a 15-day physical remand over Mumbai attack suspect Hammad Amin Sadiq. Sadiq was arrested in Rawalpindi on February 12. The GOP alleges Sadiq is an activist in the banned Lashkar-e-Taiba and was the mastermind of the Mumbai attacks. He has been charged with terrorism, being a member of a terrorist organization, murder, conspiracy to murder, abetting, aiding an offense, cyber-terrorism, and misuse of encryption.

¶4. (C) On February 19, the anti-terrorism court named three more individuals that would be remanded to FIA custody, including Zaki ur Rehman Lakhvi and Mazhar Iqbal. Press reports vary as to how many total suspects are now in FIA custody and when they were arrested. From our discussions with Minister of Interior Rehman Malik, several of these suspects were in Inter-Services Intelligence (ISI) custody and subsequently have been transferred to FIA custody upon orders of the court. Unnamed senior GOP officials have credited shared intelligence, including Indian information passed to Pakistan via USG agencies, as providing the foundation for these arrests.

¶5. (C) On February 18, Deputy Attorney General Sardar Ghazi publicly called for Ajmal Kasab's (the surviving Mumbai attacker) extradition so that more information could be collected from him. Ghazi has been appointed as special public prosecutor and is reviewing the Indian dossiers and

the investigation report completed by Pakistan. Ghazi told television reporters that without having Kasab in custody it will be very, very difficult to prosecute the rest of the suspects. According to the Ministry of Foreign Affairs, Pakistan has not made any formal requests to India for Kasab's extradition. On February 17, Foreign Minister Qureshi also called for access to Kasab and said that the investigation can not be processed unless India extends cooperation. Qureshi and Prime Minister Gilani have both publicly said that Pakistan would be willing to send an FIA team to India to share information on the Mumbai attacks with the Indian investigators.

16. (C) Comment: The investigation and active prosecution is moving forward in Pakistan, but public details about the suspects and charges remain murky. The GOP has said that it remains dedicated to successful convictions of the terrorists; however, they are still focused on information that only India can provide them. Sending an FIA investigation team to India may be the best method to allow for actual evidentiary and judicial support for the prosecutions in both countries. End Comment.
PATTERSON